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C O N F I D E N T I A L SECTION 01 OF 04 SARAJEVO 000867

C O R R E C T E D C O P Y - DECL DATE CHANGED

SIPDIS

EUR (JONES), EUR/SCE (HYLAND, FOOKS), EUR/ERA, INL  
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TAGS: [PGOV](#) [PREL](#) [ASEC](#) [PHUM](#) [KCRM](#) [EU](#) [BK](#)

SUBJECT: EU DENIES BOSNIA ENTRY INTO VISA LIBERALIZATION  
REGIME

REF: A. SARAJEVO 810

[1](#)B. SARAJEVO 678

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Classified By: DCM Judith B. Cefkin for Reasons 1.4 (B) and (D)

[1](#)1. (C) The European Commission (EC) announced on July 14 that it had decided to keep Bosnia off the list of countries recommended for entry into the EU's visa liberalization regime at this time. It attributed its decision to Bosnia's shortcomings in the issuance of biometric passports, the fight against organized crime and corruption, and border and migration management, but stated that Bosnia could be granted entry into the regime as early as mid 2010 if it fulfills visa roadmap benchmarks. The blame for Bosnia's slow progress on the road map largely rests with officials from Republika Srpska (RS) who delayed the adoption of needed laws out of concern that their passage would transfer additional competencies from the entities to the state. A source in the European Commission (EC) told us that even if Bosnia does not fulfill a long list of conditions called for in the visa road map, it will be granted visa free travel sometime next year if it issues biometric passports as planned by January 1, 2010 and implements a few other key reforms. The announcement by the EU to deny Bosnia visa-free travel is sparking widespread disappointment among Bosnian politicians and the wider public. And a number of public figures and press commentaries are whipping up some particularly vitriolic nationalist sentiment among Bosniaks. END SUMMARY.

Background on Bosnia's Visa Liberalization Roadmap

[1](#)2. (C) Bosnia entered into visa liberalization discussions with the EU in May 2008 in hopes of eventually joining the Schengen White List of countries enjoying visa-free travel with the EU. The following month, the EU presented Bosnia with a road map consisting of benchmarks Bosnia must fulfill in order to enter into a visa liberalization regime with the EU. The benchmarks fall into two categories. Benchmarks in block 1 and 2 are directly linked to the visa liberalization regime and include the safeguarding of identity documents and issues related to illegal migration, such as border management. The other benchmarks, those included in blocks 3 and 4, concern items the EU considers important. It is attempting to use visa liberalization regime talks as

leverage to induce progress on these issues. These deal with public order and security, including the fight against organized crime, data protection, law enforcement cooperation, and protection of minorities. The roadmap was widely welcomed by Bosnian politicians and the public as a tangible sign that Bosnia was being given a genuine opportunity by the EU to advance its EU aspirations. It also raised the hopes of ordinary Bosnians who looked forward to the day when they would no longer feel the humiliation of standing in line outside of EU Embassies for a visa.

#### EU Denies Bosnia's Entry Into Visa Liberalization Regime

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13. (U) Since then, the Bosnian government has had a mixed record on implementing the visa road map, despite the importance politicians profess to attach to the process. As a result, EU officials felt that they had no choice but to omit Bosnia from the first wave of Western Balkan countries to be admitted into the visa liberalization regime. On July 14, the European Commission announced that it will propose to the European Council to grant visa-free travel to Macedonia, Montenegro, and Serbia, but that Bosnia and Albania had not yet met the criteria. In a press release that day, EU Enlargement Commissioner Ollie Rehn expressed his conviction that if Bosnian (and Albanian) authorities show political will and implement their respective road maps, "the Commission could envisage making a new proposal, which would include them, by mid 2010." The press release cited Bosnia's need to strengthen its institutional framework to fight organized crime and corruption, to address weaknesses in the process for delivering passports, and to improve border and migration management as the reason for the EU decision to deny Bosnia entry into the EU's visa liberalization regime at this time. Local media has also reported that Rehn will speak to members of Parliament on July 24 (presumably in an effort to assuage Bosnian political leaders' disappointment).

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14. (U) As expected, Bosnian officials have publicly expressed sharp disappointment, even outrage with the EU decision. Some have engaged in the blame game, such as by attributing Bosnia's lack of progress on implementing the visa road map -- namely its failure to begin issuing biometric passports -- to BiH Security Minister Tarik Sadovic. They surmise that this is the reason why the Party for Democratic Action (SDA) is trying to remove him from office. Other public statements and much of the press reaction has irresponsibly sought to whip up nationalist Bosniak sentiment. Foreign Minister Sven Alkalaj reportedly claimed that Bosnia's exclusion from the visa liberalization regime "would create a ghetto for Bosniaks." Former HighRep Christian Schwartz-Schilling in a series of interviews contended that the EU's decision to deny Bosnia visa free travel is a psychological blow and that the EU "is rewarding those who committed genocide" by granting Serbia visa free travel. Commentators claim that Bosnian Muslims will be most disadvantaged since many Bosnian Croats and Bosnian Serbs have dual citizenship with Croatia and Serbia, respectively, and will be able to travel on those countries' passports. (Comment: The Croatia and Serbia ties are not strictly comparable. While it is true that most Bosnian Croats are dual citizens and have Croatian passports, the process for obtaining dual Bosnian-Serb citizenship is more complicated. A Serbian Embassy official once told us that Bosnian Serbs with Serbian passports numbered only in "the hundreds." Those who talk about the ghettoization of Bosniaks, however, will not have been reassured by comments attributed to Serbian Interior Minister Dacic. Dacic is quoted in the local press as saying he will ensure that Bosnian Serbs can get Serbian passports. End Comment)

#### Where the Bottlenecks Were

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15. (C) Much of the blame for the lack of progress on the implementation of the visaroad map rests on politicians from

the Republika Srpska (RS) who initially refused to support many of the laws Bosnia needed to adopt due to RS concerns about strengthening the state at the expense of the entities.

It is on this basis they voted down several draft laws in Parliament, such as the Law on Control of Movement of Weapons and Military Equipment, the EC said Bosnia needed to adopt. Even when the Parliament managed to pass pieces of legislation required by the road map, implementation of these laws has been hampered by a lack of cooperation from the RS. For example, though it passed a package of Police Reform Laws in April 2008 aimed at created seven state-level police structures, Parliament has failed to appoint members of two bodies (the Independent Board and the Public Complaints Board) due to opposition by SNSD (the majority party in the RS). Notably, during the Peace Implementation Council (PIC) meeting with members of the House of Peoples (HoP) and the House of Representative (HoR) Collegium, Dusanka Majkic, the HoP Deputy Speaker and SNSD party member attempted to rebut the accusation that her party had been obstructionist. She claimed that the RS was trying to ensure that it did not support laws that were not in line with the *acquis* and international standards (Ref A).

#### EU Pressure Largely Credited For Progress Made

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16. (C) The progress that has been made on legislation required by the visa road map was the direct result of EU pressure on Bosnian politicians. The EU ratcheted up the pressure on Bosnian politicians in the months preceding the European Commission's July 14 announcement:

-- In a January 21, 2009 speech to Parliament, then HighRep and EU Special Representative (EUSR) Miroslav Lajcak leveled criticism at Bosnian politicians, declaring, "One can only conclude that, now that the SAA has been signed, the political leaders are convinced that they have a blank check from the EU to proceed in the integration process, no matter what their actions are. The EU does not issue blank checks. Neither when it comes to joining the EU, nor when it comes to visa free access."

-- On April 16, EC Ambassador Dimitris Kourkoulas sent a

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letter to Parliament highlighting outstanding elements of Bosnia's visa liberalization roadmap. He urged Parliament to approve six pieces of legislation (Law on Border Control; Law on the Control of the Movement of Weapons and Military Equipment; Law on Weapons; Law on the Transportation of Hazardous Materials; Law on International Legal Aid in Criminal Matters; and the Law on Anti-Discrimination) and to implement police reform, namely by establishing seven new police structures. Ambassador Kourkoulas tied action on these outstanding action items directly to Bosnia's bid to enter the EU's visa liberalization regime, noting that EC was carefully monitoring the implementation of the roadmap.

-- On May 12, HighRep/EUSR Valentin Inzko admonished parliamentarians for the obstructionism that was blocking further progress on the road map, saying, "This is not the kind of responsible politics expected from responsible figures in a country that wants to advance towards the European Union."

17. (U) This pressure from the EU and fear that Bosnia would not be included in the first wave of countries awarded entry into the visa liberalization regime prompted the Bosnian government to swing into action. It also succeeded in overcoming resistance by RS politicians to passing these laws. As noted in Ref B, after months of delay, the Council of Ministers finally approved four draft laws (Laws on Border Control, Control of Movement of Weapons and Military Equipment, Law on International Legal Aid in Criminal Matters, and a Law on the Prevention of Money Laundering and Financing of Terrorist Activities) that needed to be adopted on June 4 and sent the package of laws to Parliament for

consideration. Following the Council of Ministers vote, Prime Minister Nikola Spiric said publicly that the adoption of the four pieces of legislation would send a "clear signal to Brussels that we want to make up for the time unfortunately wasted in futile discussions." The package of laws was finally adopted by the BiH House of Representatives on June 10, followed by the House of Peoples on June 15.

#### Bosnia On Track With Biometric Passports

18. (SBU) EC officials concede that Bosnia has been making progress on its own without overt EC pressure in some areas, particularly on the issuance of biometric passports. The government began testing biometric passports on July 1, and despite some technical hiccups, hopes to issue them in January 2010, if not sooner. Moreover, thanks in part to technical assistance provided by the Governance Accountability Program (GAP), which is being funded by USAID, Sweden, and the Netherlands, Bosnia is also making progress on easing the public's access to other identity documents -- such as birth certificates -- and ensuring that these documents cannot be easily counterfeited or misused. According to our EC contacts, GAP is assisting roughly 72 out of Bosnia's 143 municipalities, 20 to 30 are being assisted by the Swiss government, and the remaining 20 are easing the public's access to identity documents on their own.

#### Other Unfinished Business

19. (C) EC officials told us privately that they expect that they will have to prod the Bosnian government towards fulfilling the visa road map benchmarks at every step to ensure Bosnia's entry into the visa liberalization regime next year. In addition to the laws the EU has singled out for consideration by the Bosnian government which is still pending (namely the Law on Anti-Discrimination), the Bosnian government must still demonstrate progress in a number of areas listed in the EU's 28-page May 2009 assessment update before being granted visa-free travel. These include:

- Adopting new legislation on money laundering and confiscation of assets and amending the Criminal and Criminal Procedure Codes;
- Developing a system of reporting to the Interpol database on lost and stolen passports;
- improving infrastructure at Border Crossing Points;
- improving monitoring of migration flows by relevant agencies;

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- improving cooperation and information sharing among law enforcement agencies;
- implementing the action plan on preventing and fighting trafficking in human beings;
- increasing the investigation, prosecution, and conviction of high-profile organized crime suspects; and,
- completing the legal and administrative framework for a fully independent BiH Data Protection Agency.

10. (C) This abbreviated list of requirements notwithstanding, our EC contacts have intimated privately to us that the EC will likely not seek strict compliance on all of the benchmarks, but will expect Bosnia to produce results on key items, such as the issuance of biometric passports. They acknowledged that of the six laws Ambassador Kourkoulas mentioned in his April 16 letter to the government, the EC decided to walk back adoption of the Law on Weapons at the state-level as a condition for visa liberalization (the EC has settled for harmonizing existing laws at the cantonal and entity level), and the Law on Hazardous Materials (the EC decided to drop the law from the list altogether). Moreover, the Head of the BiH Unit of the EU Enlargement Directorate told us recently that the EU is committed to extending entry into the visa liberalization regime to Bosnia as soon as it completes the necessary steps rather than wait for a later wave of entrants (e.g. Albania).

Comment

11. (C) The EC's decision to deny Bosnia entry into the visa liberalization regime and grant it to other countries in the region was expected by those with knowledge of the negotiations, but this information had not spread to the general public. Despite the outraged reactions over being passed over this year for visa liberalization, it is noteworthy that the Bosnian parliament was able to pass four of the most important required laws after the EU exerted pressure. In this case, at least, faced with a concrete potential benefit from the EU like visa liberalization, parties representing the different ethnic groups were willing to compromise to meet an EU requirement. Our impression is that Bosnia will be able to meet the remaining requirements over the coming months and most likely will qualify for visa liberalization in the middle or end of 2010.

ENGLISH